

## CHAPTER 1 (Revised 9/7/04)

### GENERAL PROVISIONS

#### Sections:

1. Code cite and designation.
2. Definitions.
3. Grammatical interpretation.
4. Effect of repeal of ordinances.
5. Severability of ordinances and parts of Code.
6. General penalty.
7. Laws of Alaska; violations.
8. Enforcement
9. Amendments; effect of new ordinances.
10. Distribution.
11. Supplements or revisions.
12. Ordinances included in the \_\_\_\_\_ City Code.
13. Time ordinances take effect.
14. Corrections.

#### **Section 1. Code cite and designation.**

The ordinances in the following chapters and sections shall be called the "Code of Ordinances, City of \_\_\_\_\_, Alaska".

#### **Section 2. Definitions.**

The following definitions apply to this Code and all city ordinances unless the plain meaning requires otherwise:

CITY:	The City of _____, Alaska, or the area within the territorial limits of the City of _____, Alaska.
CLERK:	The City Clerk;
CODE:	The Code of Ordinances, City of _____, Alaska; the _____ City Code;
COUNCIL:	The City Council of _____;
PERSONS:	A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;
PUBLISH:	To post a notice within the city in three locations open to the public, one of which shall be the city offices, for a period of not less than five days;
STATE:	The State of Alaska;
VOTER:	A United States citizen who is qualified to vote in state elections, has been a resident of the City of _____ for 30 days immediately preceding the election, is registered to vote in state elections, and is not disqualified under Article V of the constitution of the State of Alaska.

#### **Section 3. Grammatical interpretation.**

The following grammatical rules shall apply in the City of \_\_\_\_\_ Code of ordinances:

- A. Gender. Any gender includes the other gender.
- B. Singular and plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. All words and phrases shall be construed and understood according to the context and the commonly approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. "May" is permissive.
- F. "Must" and "Shall", each is mandatory.

#### **Section 4. Effect of repeal of ordinances.**

Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract, or event already affected by them.

#### **Section 5. Severability of ordinances and parts of Code.**

Any ordinance enacted before or after the adoption of this Code which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby".

#### **Section 6. General Penalty.**

a. Every act prohibited by ordinance of this city is unlawful. Unless another penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300) and the surcharge required to be imposed under AS 12.55.039. Such fine shall be set at the discretion of the fining authority. A "violation" is a non-criminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

- (1) to a trial by jury; or
- (2) to have a public defender or other counsel appointed at public expense to represent the person.

The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this Code, whether or not such penalty is re-enacted in the amendment ordinance.

b. The surcharge required under AS 12.55.039 is authorized and shall be imposed as a surcharge on penalties imposed for the violation of an ordinance, code provision, or regulation of the City of \_\_\_\_\_, if the defendant pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a violation of a municipal ordinance imposing a penalty authorized under AS 29.25.070. Such surcharge shall be deposited in the state's general fund as provided in AS 12.55.039.

#### **Section 7. Laws of Alaska; violations.**

No person shall violate any law of the State of Alaska, nor any rule or regulation adopted by any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the Code of Ordinances of the City of \_\_\_\_\_, Alaska, except where the state has exclusive jurisdiction over the offense.

#### **Section 8. Enforcement.**

The city council, or duly appointed regulatory body, or the Public Safety Officer, or any duly authorized Peace Officer shall enforce all City Ordinances and laws of the State of Alaska, unless the state has exclusive jurisdiction.

**Section 9. Amendments to Code; effect of new ordinances.**

All ordinances passed after the adoption of this Code which amend, repeal, or in any way affect this Code shall be numbered according to the numbering system of this Code. Repealed chapters, sections and subsections or any part thereof shall be excluded from the Code.

Amendments to this Code shall be made by specific reference to the section number of this Code in substantially the following language: "Chapter \_\_\_\_\_, Section \_\_\_\_\_ of the Code of Ordinances of the City of \_\_\_\_\_, Alaska, is hereby amended to read as follows:"

If a new chapter or section is to be added to this Code, substantially the following language shall be used: "The Code of Ordinances of the City of \_\_\_\_\_, Alaska, is hereby amended by addition of the following chapter(s) (or section(s)):"

All sections, articles, chapters, or provisions being repealed must be specifically repealed by section, article, or chapter number, as the case may be.

**Section 10. Distribution.**

This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this Code may be charged to anyone requesting copies, provided that copies of ordinances that provide for penalties shall be made available for distribution to the public at no more than cost. Copies of this Code shall be furnished to the courts and law enforcement personnel as needed upon their request.

**Section 11. Supplements or revisions to the \_\_\_\_\_ City Code.**

Legally adopted amendments and supplements to this Code shall be typed or printed and included within this Code within \_\_\_\_\_ (\_\_\_\_) days after adoption by the council.

The \_\_\_\_\_ City Code shall be supplemented at regular intervals or if the council deems that supplementing the code is unnecessary, the Code shall be revised and printed every five years.

**Section 12. Ordinances included in the \_\_\_\_\_ City Code.**

The council shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption in the following manner:

- A. Ordinances enacted by the city council and permanent in nature shall be inserted in the \_\_\_\_\_ City Code when properly prepared and authenticated by the city clerk.
- B. Emergency, bond, temporary, and appropriation ordinances and resolutions shall be retained in the form enacted.
- C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity, and construction clauses shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

**Section 13. Time ordinances take effect.**

An ordinance that has been approved by the council shall be effective 24 hours after passage, unless otherwise stated in the ordinance.

#### **Section 14. Corrections.**

If errors are found in this code that can be corrected without changing the meaning of any section of this code, the council may authorize the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure.

The following corrections are so authorized:

- A. Manifest errors that are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;
- B. Changes in capitalization for the purpose of uniformity;
- C. Correction of manifest errors in references to laws;
- D. Correction of mistakes in grammar;
- E. Correction of citations or references to laws, statutes and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, federal law, or this Code.